

Remarks

This Application has been carefully reviewed in light of the Office Action mailed July 6, 2004. Applicants appreciate the Examiner's consideration of the Application. Applicants have made clarifying amendments to Claims 1-10 and 12. Certain of these amendments are not considered narrowing or necessary for patentability. Applicants have also added new Claims 13-21. Applicants respectfully request reconsideration and allowance of all pending claims and consideration and allowance of all new claims.

I. Applicants' Claims are Allowable over *Gross*

The Examiner rejects Claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,802,253 to *Gross* ("*Gross*"). Applicants respectfully disagree.

Gross discloses a rule-based system for handling incoming email messages. (Title; Abstract) According to the system disclosed in *Gross*, a plurality of rules are defined, each rule including an event indicia (when), a condition indicia (if), and an action indicia (then) (i.e. a when-if-then triplet). (See Column 2, Lines 44-49; Column 4, Lines 21-30; Claim 1) Events include receipt of a new message, the form of a received message, the reading of a message, the filing of a message, and other events. (See Claim 5; Column 4, Line 45 through Column 6, Line 13 (describing the different types of events)) An event generator detects the occurrence of events, such as the receipt of a new message. (See Claim 1; Column 4, Lines 33-44) An event manager includes one or more event queues and creates event records for the events to store in the event queue. (See Claim 1; Column 7, Lines 30-34) For received messages, the event manager determines whether an event occurred, and if an event occurred (e.g., the message is a newly received message), the event manager creates a new message event (which includes a pointer to the newly received message) and stores the new message event in the event queue for processing. (See Column 7, Lines 30-34) A rule processor determines which of the rules have an event (a when) corresponding to the detected event and invokes only those rules for which the event indicia (when) corresponds to the determined event. (See Abstract; Column 2, Lines 49-55) The condition indicia (if) of each determined rule is then evaluated and if the condition is met, the action (then) identified in the rule is performed. (See Claim 1; Column 4, Lines 31-32; Column 8, Lines 16-21)

According to the system disclosed in *Gross*, a user can also define events and rules for handling the events. (See, e.g., Figures 10A-10B) For example, a user can specify that upon the event of a new email message, if the message is from E.Flynn, then the message should be moved to the "Status Reports" folder. (See Figures 10A-10B) The focus of *Gross* is on the use of the when-if-then triplet, "which facilitates definition of events considered to be significant events upon which to trigger actions." (See Abstract; Column 2, Lines 44-55) This capability reduces processing associated with previous systems (i.e. those based on an if-then combination), which would require that all conditions be tested for an incoming messages, rather than only those within a relevant event. (See Column 2, Lines 22-30 and Lines 44-55)

Whether or not *Gross* discloses the limitations recited in Claim 1, for example, prior to the amendments presented in this Response, the above discussion (and indeed the entire disclosure of *Gross*) makes clear that *Gross* is entirely unrelated to "an electronic marketplace," "facilitat[ing] one or more marketplace transactions," "facilitating communication among a plurality of supply chain participants," and an "action [defined by an associated action instance] operable to, when initiated, facilitate one or more marketplace transactions in the electronic marketplace," as recited in amended Claim 1, for example.

Therefore, *Gross*, whether considered alone or in combination with knowledge generally available to one of ordinary skill in the art at the time of invention, clearly fails to disclose, teach, or suggest at least the following limitations recited in Claim 1, as amended:

- a communication interface operable to send and receive messages *among the plurality of supply chain participants in the electronic marketplace to facilitate one or more marketplace transactions*;
- an event container connected to the communication interface and operable to receive messages from the communication interface as events, *one or more of the messages and their corresponding events each being associated with one or more marketplace transactions*;
- a condition container connected to the event container, the condition container comprising a plurality of condition instances each specifying one or more rules for determining whether to initiate an action defined by an action instance associated with the condition instance, *a particular condition instance specifying whether to initiate the action defined in the associated action instance to facilitate one or more marketplace transactions in the electronic marketplace*; and
- an action container connected to the condition container and containing a plurality of action instances, each action instance associated with one or more of the

condition instances *and defining an action operable to, when initiated, facilitate one or more marketplace transactions in the electronic marketplace;*

- when one or more events received by the event container from the communication interface are determined to match a predicate of a particular condition instance, *an the action, defined in the action instance associated with such the particular condition instance, is initiated by the communications exchange to facilitate the one or more marketplace transactions associated with the one or more events determined to match the predicate of the particular condition instance.*

Furthermore, Applicants do not necessarily agree with or acquiesce to the Examiner's assertion that because *Gross* "teaches that a rules processor determines which rules to apply to an event and an action processor invokes the action with respect to the invoked rules," "it is obvious that the condition container and the action container are separate from one another since different entities access the corresponding data for processing." (See Office Action, Page 3)

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1, and its dependent claims. For substantially similar reasons, Applicants respectfully request reconsideration and allowance of independent Claims 5 and 9, and their dependent claims.

Moreover, even if the Examiner does not allow independent Claims 1 and 9, Applicants respectfully submit that the Examiner should allow independent Claim 5 (and similarly new dependent Claims 18 and 28) because *Gross* further fails to disclose, teach, or suggest at least the following limitations recited in Claim 5, as amended:

- in response to input from a user, the communications exchange is operable to dynamically modify a specified condition in the condition container independent of events in the event container and actions in the action container; and
- in response to input from the user, the communications exchange is operable to dynamically modify a specified action in the action container independent of events in the event container and conditions in the condition container.

For example, *Gross* fails to disclose, teach, or suggest any dynamic modification of a specified condition or action independent of events in the event container [for both modifications to a specified condition and modifications to a specified action] and actions in the action container [for modifications to a specified condition] or conditions in the condition container [for modifications to a specified action].

For at least this additional reason, Applicants respectfully request reconsideration and allowance of independent Claim 5 and its dependent claims, as well as dependent Claims 18 and 28.

II. New Claims 13-29 are Allowable

In addition to being dependent on allowable independent claims, new Claims 13-18 (which depend from independent Claim 1), new Claims 19-23 (which depend from independent Claim 5), and new Claims 24-29 (which depend from independent Claim 9) recite further patentable distinctions over the prior art of record.

For example, *Gross* fails to disclose, teach, or suggest “one or more of the messages are initiated by a particular action contained in the action container,” as recited in Claim 17 (and similarly in Claims 22 and 28).

To avoid burdening the record and in view of the clear allowability of independent Claims 1, 5, and 9, Applicants do not discuss each distinction of each dependent claim in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. For at least these reasons, Applicants respectfully request consideration and allowance of new Claims 13-29.

III. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from *Gross*. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Christopher W. Kennerly, Attorney for Applicants, at the Examiner's convenience at (214) 953-6812.

The Commissioner is hereby authorized to charge the amount of \$162.00 to Deposit Account No. 02-0384 of Baker Botts L.L.P. for the cost of nine new claims total over twenty. Although Applicants believe no other fees are due, the Commissioner is hereby authorized to charge any other fees or to credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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